

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

EDNA M. BUFFORD,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 3:05CV454
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

ORDER

THIS MATTER comes before the Court on motion of Defendant Jo Anne B. Barnhart, Commissioner of Social Security, pursuant to sentence four of 42 U.S.C. §405(g), to remand the cause for further administrative proceedings. Plaintiff consents to this motion.

On remand to the Commissioner, the Administrative Law Judge will: 1) reassess plaintiff's residual functional capacity and provide a rationale in support of the limitations found, with reference to the evidence of record; 2) consider all medical source opinions and provide rationale for accepting or rejecting each assessed limitation; 3) evaluate the effects of plaintiff's obesity per SSR 02-1p; 4) as needed, obtain additional vocational expert evidence to determine the effect of any additional nonexertional limitations on plaintiff's occupational base; and 5) issue a new decision.

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. §405(g), and in light of the Commissioner's assented to request to remand this action for

further proceedings, this Court hereby:

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 111 S. Ct. 2157(1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorneys fees, including any motion for such fees under the Equal Access to Justice Act (EAJA). Plaintiff shall have thirty (30) days from final judgment in which to file any motion for attorneys fees under EAJA in this matter.

Signed: May 9, 2006

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

